



General Assembly

January Session, 2001

**Committee Bill No. 5650**

LCO No. 3337

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**AN ACT ESTABLISHING AN ALCOHOL SUPERVISION PROGRAM  
FOR DRUNKEN DRIVERS AND OTHER PROBATIONERS WITH A  
HISTORY OF ALCOHOL ABUSE.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (a) Not later than January 1, 2002, the Chief Court  
2 Administrator shall establish a pilot zero-tolerance alcohol supervision  
3 program to monitor the consumption of alcohol by persons placed on  
4 probation who have been convicted of a violation of section 14-227a,  
5 53a-56b or 53a-60d of the general statutes or who have a history of  
6 alcohol abuse.

7 (b) Eligibility for participation in the program shall be limited to  
8 individuals who have been convicted of an offense, have been  
9 identified as having a history of alcohol abuse and have been  
10 sentenced to a period of probation and ordered by the court, as a  
11 condition of such probation, to participate in the program and shall be  
12 based upon criteria, including a limit on the maximum number of  
13 eligible participants, established by the Chief Court Administrator.

14 (c) Any person entering such program shall, as a condition of

15 participating in such program, agree to: (1) Submit to periodic breath  
16 tests to determine the presence of alcohol in the blood of such person,  
17 (2) detention in a halfway house facility each time such test produces a  
18 positive result, (3) comply with all rules established by the halfway  
19 house if detained in such facility, and (4) waive the right to a hearing.

20 (d) Participants in the zero-tolerance alcohol supervision program  
21 shall submit to periodic breath tests to determine the presence of  
22 alcohol in the blood of such person. The Office of Adult Probation shall  
23 cause to be installed in the dwelling of each participant a device that  
24 measures the amount of alcohol in such participant's blood as shown  
25 by a chemical analysis of the participant's breath when such  
26 participant blows into the device and that electronically transmits the  
27 results of such analysis to such participant's probation officer. If the  
28 test produces a positive result, the participant shall be detained in a  
29 halfway house facility for a period of two days for the first positive test  
30 result and for a period of five days for each subsequent positive test  
31 result.

32 (e) Any person who has submitted to a breath test pursuant to  
33 subsection (d) of this section that produced a positive result may  
34 request that a breath test be administered, at such person's expense, to  
35 confirm the results of the first test, except that if the participant is  
36 determined to be indigent, based upon financial affidavits, the Judicial  
37 Department shall pay the cost of the test. The second test shall be a  
38 breath test, separate and independent of the initial test. The participant  
39 shall be detained in a halfway house pending the results of the second  
40 test. If such second test does not produce a positive result, the  
41 participant, if detained in a halfway house, shall be released and the  
42 fee, if paid by the participant, shall be refunded to the participant.

43 (f) A participant enrolled in the zero-tolerance alcohol supervision  
44 program may be charged with a violation of probation if the  
45 participant's probation officer determines that the participant has  
46 violated the conditions of probation or the conditions of the program.

47 (g) Not later than January 1, 2003, the Chief Court Administrator  
48 shall submit a report on the pilot zero-tolerance alcohol supervision  
49 program to the joint standing committee of the General Assembly  
50 having cognizance of matters relating to criminal justice.

51 Sec. 2. Subsection (h) of section 14-227a of the general statutes is  
52 repealed and the following is substituted in lieu thereof:

53 (h) Any person who violates any provision of subsection (a) of this  
54 section shall: (1) For conviction of a first violation, (A) be fined not less  
55 than five hundred dollars nor more than one thousand dollars, [and]  
56 (B) be (i) imprisoned not more than six months, forty-eight consecutive  
57 hours of which may not be suspended or reduced in any manner or (ii)  
58 imprisoned not more than six months, with the execution of such  
59 sentence of imprisonment suspended entirely and a period of  
60 probation imposed requiring as a condition of such probation that  
61 such person perform one hundred hours of community service, as  
62 defined in section 14-227e, and (C) have such person's motor vehicle  
63 operator's license or nonresident operating privilege suspended for  
64 one year; (2) for conviction of a second violation within ten years after  
65 a prior conviction for the same offense, (A) be fined not less than one  
66 thousand dollars nor more than four thousand dollars, (B) be (i)  
67 imprisoned not more than two years, one hundred twenty consecutive  
68 days of which may not be suspended or reduced in any manner, and  
69 sentenced to a period of probation requiring as a condition of such  
70 probation that such person perform one hundred hours of community  
71 service, as defined in section 14-227e, or (ii) imprisoned not more than  
72 two years, twenty days of which may not be suspended or reduced in  
73 any manner, and sentenced to a period of probation of six months  
74 requiring as a condition of such probation that such person participate  
75 in the pilot zero-tolerance alcohol supervision program established  
76 under section 1 of this act, and (C) have such person's motor vehicle  
77 operator's license or nonresident operating privilege suspended for  
78 three years or until the date of such person's twenty-first birthday,  
79 whichever is longer; and (3) for conviction of a third and subsequent

80 violation within ten years after a prior conviction for the same offense,  
81 (A) be fined not less than two thousand dollars nor more than eight  
82 thousand dollars, (B) be imprisoned not more than three years, one  
83 year of which may not be suspended or reduced in any manner, and  
84 sentenced to a period of probation requiring as a condition of such  
85 probation that such person perform one hundred hours of community  
86 service, as defined in section 14-227e, and (C) have such person's  
87 motor vehicle operator's license or nonresident operating privilege  
88 permanently revoked upon such third offense. For purposes of the  
89 imposition of penalties for a second or third and subsequent offense  
90 pursuant to this subsection, a conviction under the provisions of  
91 subsection (a) of section 14-227a in effect on October 1, 1981, or as  
92 amended thereafter, a conviction under the provisions of either  
93 subdivision (1) or (2) of subsection (a) of this section, a conviction  
94 under the provisions of section 53a-56b or 53a-60d or a conviction in  
95 any other state of any offense the essential elements of which are  
96 determined by the court to be substantially the same as subdivision (1)  
97 or (2) of subsection (a) of this section or section 53a-56b or 53a-60d,  
98 shall constitute a prior conviction for the same offense.

**JUD**        *Joint Favorable*

**APP**        *Joint Favorable*